



MEMO ENDORSED

MICHAEL A. CARDOZO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

KATHERINE E. SMITH
Assistant Corporation Counsel
Tel.: (212) 513-0462
Fax: (212) 788-9776

July 30, 2008

BY FACSIMILE

Honorable Frank Mass
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

This letter provides Mr. Djangmah with the name of one of the John Doe defendants. Accordingly, he is directed to serve and file an amended complaint naming Officer Falcone by September 5, 2008. Once this has been done, the Clerk of the Court will

Re: Victor TR Djangmah v. Lt. John Doe, NYC PD 52 Pct., et al, 08 CV 4027

Your Honor:

(PAC) (FM) be able to issue a summons so that the plaintiff can have the Marshal's Service effect service. The plaintiff is directed to submit the

I am an Assistant Corporation Counsel in the Special Federal Litigation Division at the Office of the Corporation Counsel assigned to handle the defense of the above-referenced matter. In that capacity, I write to pursuant to the Court's Valentin Order dated May 12, 2008, and to respectfully request that Your Honor compel plaintiff to provide this office with additional identifying information so that we may ascertain the identity of the remaining "John Doe" officers. necessary materials to the Marshal's Service

within 21 days after the summons for Officer Falcone is sent to him.

As way of background, the Court's Order directed this office to ascertain the full names of the police officers who were involved in the December 13, 2007 incident alleged by plaintiff, and to provide plaintiff with addresses where these police officers could be served with copy of the summons and complaint. This office requested, and was granted, sixty (60) days to and including July 30, 2008, in which to comply with the Valentin Order so that we could forward to plaintiff for execution authorizations for the release of the underlying arrest, criminal prosecution and medical records. The Court further instructed plaintiff to provide this office with more specific identifying information. Files, USMS, 8/6/08

On or about July 21, 2008, plaintiff provided this office with the requested executed unsealing release. It generally takes more than thirty (30) days for us to receive the requested documents. Though this office requires more time to forward the release to the proper agencies and receive responses to our requests, we were able to obtain a computer printout of plaintiff's Arrest Report for December 13, 2007, the date of the alleged incident. The report identifies the name of the arresting officer who may have been involved in the incident alleged by plaintiff in his complaint. Upon information and belief, Police Officer Michael Falcone,

Shield No. 22511, can be served with a copy of the summons and complaint at the 52nd Precinct, 3016 Webster Avenue, Bronx, New York, 10467.

Additionally, plaintiff identifies a total of four "John Doe" officers from the 52nd Precinct. To date, plaintiff has failed to comply with the Court's instruction that he furnish this office with more identifying information. Absent our receipt of further documentation from the District Attorney's Office, Criminal Court or the New York City Police Department, which will take further time, and without any identifying information from plaintiff, at this time this office cannot identify any other additional officers who may have been involved in the incident alleged in plaintiff's complaint. We will promptly notify the Court and plaintiff upon receipt of further underlying arrest and prosecution documents, and if feasible, attempt to provide plaintiff with further information regarding the identity of the officers. Notwithstanding, this office respectfully requests that Your Honor compel plaintiff to provide this office with additional identifying information so that we may ascertain the identity of the remaining "John Doe" officers.

I thank Your Honor for considering the within request.

Respectfully submitted,



Katherine E. Smith
Assistant Corporation Counsel
Special Federal Litigation

cc: Victor TR Djangmah (# 2410718233)
Port Isabel Detention Center
279 Buena Vista Blvd.
Los Fresnos, TX 78566